

Version with markings to show changes made:

Please enter the following amendments in the claims:

1. (Once amended) A wristwatch guard for protecting a wristwatch, comprised of a watch body and a watch band, worn on a user's wrist, comprising:
 - a. a circular band of elastomeric material, forming an inner surface and an outer surface with said inner surface being proximate said user's wrist and said outer surface being distal to said user's wrist, having an upper portion and a lower portion, wherein said lower portion is transected by an adjustment break which allows the diameter of said circular band to be adjusted to accommodate variation in the diameter of said wrist of said user;
 - b. wherein said upper portion opens into a body cutout passing completely therethrough, having a first end and a second end, with said body cutout being oriented transverse to the central axis of said wrist of said user, and being large enough to allow the passage of said watch body therethrough so that said watch body rests on said outer surface when said wristwatch guard is installed on said wristwatch;
 - c. wherein said upper portion opens into a first band cutout passing completely therethrough, being positioned near said first end of said body cutout, and being oriented parallel to said central axis of said wrist of said user, and being large enough to allow the passage of said watch band therethrough; and
 - d. wherein said upper portion opens into a second band cutout passing completely therethrough, being positioned near said second end of said body cutout, and being oriented parallel to said central axis of said wrist of said user, and being

large enough to allow the passage of said watch band therethrough, so that said watchband encircles said user's wrist inside of said inner surface of said circular band, yet remains attached to said watch body resting on said outer surface of said circular band.

2. (Once amended) The device as recited in claim 1, wherein said upper portion further comprises a cover flap, attached to said guard band, and positioned to close over said upper portion so that said watch body is sandwiched between said outer surface and said cover flap, thereby protecting said wristwatch.

3. (Once amended) The device as recited in claim 1, wherein said lower portion further comprises a storage pocket having a pocket opening for the insertion and storage of small items, and wherein said pocket opening is located on said outer surface of said circular band .

4. The device as recited in claim 3, wherein said pocket opening is covered by a pocket flap, with said pocket flap having an open position in which said items may be installed or removed from said pocket, and a closed position in which said items are securely retained within said pocket.
5. (Once amended) A wristwatch guard for protecting a wristwatch, comprised of a watch body and a watch band, worn on a user's wrist, comprising:
 - a. a circular band of elastomeric material sized to cover said wristwatch on said wrist of said user, forming an inner surface and an outer surface with said inner surface being proximate said user's wrist and said outer surface being distal to said user's wrist; and
 - b. a storage pocket, attached to said circular band, having a pocket opening for the

insertion and storage of small items, wherein said pocket opening is located on said outer surface of said circular band .

6. The device as recited in claim 5, wherein said pocket opening is covered by a pocket flap, with said pocket flap having an open position in which said items may be installed or removed from said pocket, and a closed position in which said items are securely retained within said pocket.
7. The device as recited in claim 5, wherein said circular band further comprises a cover flap, attached to said guard band, and positioned to close over said upper portion thereby protecting said wristwatch.

REMARKS

The Examiner rejected all the claims under 35 U.S.C. §102 (b), on the basis of a prior patent to *Cornett* (U.S. 2,998,695). In order for section 102 to be properly applied, every element of the claimed present invention - as literally defined in the claims - must be disclosed within the piece of prior art. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed.Cir. 1985); *Atlas Powder Company v. du Pont*, 750 F.2d 1569 (Fed.Cir. 1984); *American Hospital Supply v. Travenol Labs*, 745 F.2d 1 (Fed.Cir. 1984). The Applicant respectfully submit that this requirement has not been met with respect to the amended claims, and that the section 102(b) rejection should therefore be reconsidered and withdrawn.

In view of the above amendments and remarks, the Applicant believes that the claims are in condition for allowance. Accordingly, the Applicant respectfully requests that the Examiner reconsider the rejections.

Respectfully submitted this 27th day of NOVEMBER, 2001.



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